

**MEDICAL EXAMINING BOARD
REGULAR MEETING
OCTOBER 23, 2002**

MEMBERS PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Sidney Johnson, Thomas Luetzow, Daniel Miota, Clark Olsen, Bhupinder Saini, Darold Treffert, and Muriel Harper and Virginia Heinemann

MEMBERS EXCUSED: Dr. Sandra Makhorn and Karen Kalishek

STAFF PRESENT: Deanna Zychowski, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant

CALL TO ORDER

Chair Darold Treffert called the meeting to order at 8:01 a.m.

APPROVAL OF AGENDA

Amendments: Approve Teleconference Call Minutes 10/15/02
Proposed Stipulation – Thomas Strick, M.D.
Practice Question – Gundersen Lutheran
Practice Question – New Mexico Health
Informational Items
2003 Meeting Dates

MOTION: Clark Olsen, seconded by Alfred Franger, to approve the agenda as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT – DEANNA ZYCHOWSKI

Deanna Zychowski welcomed Dr. Thomas Luetzow to the Board. Deanna also discussed the new Perfusionist Examining Council who currently have listing of 71 possible candidates for licensure. The Perfusionist Examining Council is currently working on proposed rules and examination requirements. Deanna also discussed the Athletic Trainers Affiliated Credentialing Board and how athletic trainers are discussing possible statute changes currently requiring them to contact the primary physician if a patient they are already treating sustains a new injury.

**PRESENTATION OF PROPOSED STIPULATION IN THE MATTER CONCERNING
WANDA M. SHIELD, P.A.**

Steven Engelbrecht, Paralegal, presented a proposed stipulation in the matter concerning Wanda M. Shield, P.A. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER
MAILING OF AGENDA – THOMAS J. STRICK, M.D.**

DOE attorney, James Harris, presented a proposed stipulation in the matter concerning Thomas J. Strick, M.D. This matter will be deliberated on in closed session.

MEETING WITH BARBARA SHOWERS RELATING TO THE IPP PROGRAM

Dr. Barbara Showers discussed the IPP program. LeeAnn Cooper has left the Department and Dr. Showers thought this would be a good opportunity to evaluate the direction of the program and what the role of the coordinator should be. Dr. Showers would like the Board recommendations on how the program should progress. Dr. Showers also introduced Darwin Tichenor as the current monitor of the IPP program who responds to the day to day issues. Darwin has twelve years with the Department. Before coming to the department he worked as a vocational rehabilitation counselor as well as being a professional counselor registered with the state.

Deputy Secretary Greg Horstman joined the discussion and stated that this is a unique opportunity to look at the IPP program. Deputy Secretary Horstman also said that the parameters of the program need to be looked at along with what the position should do to make sure the program is structured as a monitoring program. It should also be looked at to make sure that the program is not turning into something that it's not supposed to be.

Dr. Clark Olsen discussed the new committee that will address the following program issues:

- What are the requirements to get into the program
- What the contract should look like
- What the job of the monitor should be
- Can the definition be expanded to include illnesses other than drug and alcohol

The committee members are Drs. Sidney Johnson, Daniel Miota, Clark Olsen and Muriel Harper and Virginia Heinemann. The committee plans on meeting November 19, 2002, at 4:00 p.m.

MOTION: Clark Olsen, seconded by Alfred Franger, to appoint Dr. Daniel Miota as the Board liaison to the IPP Program. Motion carried unanimously.

The Board has requested a copy of the final draft of the departments budget for 2003-2005.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

The Board noted the report and asked timeline questions. William Dusso is responsible for the timeline timeframes.

FSMB CALL FOR NOMINATIONS AD APPOINTMENT RECOMMENDATIONS

Dr. Darold Treffert asked if there were any nomination recommendations for the meeting scheduled for April in Chicago. There were no recommendations.

FSMB CALL FOR RESOLUTIONS FOR THE 2003 MEETING

Dr. Darold Treffert asked if there were any resolutions for the meeting scheduled for April in Chicago. There were no resolutions at this time.

PRACTICE QUESTIONS RELATING TO MOBILE MRI UNITS

The practice question was from Alliance Imaging, Inc. asking for assistance in acquiring some information relating to the credentialing and privileging of physicians in the state of Wisconsin. Dr. Darold Treffert and Wayne Austin, Legal Counsel, will respond to the letter.

Question 3 from Alliance Imaging, Inc. should be answered by the Chiropractic Examining Board.

PRACTICE QUESTIONS RELATING TO TELEMEDICINE

The Board discussed the issue of reading imaging as a consultant from physician to physician. As the law reads now it means that if you are treating a patient you must be licensed in Wisconsin to practice telemedicine in Wisconsin.

HYPOTHETICAL CASE QUESTION

The Board was asked what the treating physician's legal and ethical obligation is when there is potential to impair the patient/physician clinical practice. After discussion, the Board decided that Wayne Austin will draft a letter responding to the hypothetical question.

MOTION: Clark Olsen, seconded by Alfred Franger, to have Wayne Austin, Legal Counsel, draft a letter to respond to the hypothetical question from New Mexico Health. Motion carried unanimously.

REQUEST TO SUPERVISE MORE THAN TWO PHYSICIANS' ASSISTANTS

Dr. Thomas Resan requested approval to concurrently supervise more than two physician assistants.

MOTION: Clark Olsen, seconded by Virginian Heinemann, to have Wayne Austin, Legal Counsel, draft a letter responding that Dr. Thomas Resan cannot supervise more than two assistants. Motion carried unanimously.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 51 cases. Fifteen cases were opened, 30 complaints were not opened, and more information was requested on six.

The screening committee is currently Drs. Darold Treffert, Sidney Johnson and Virginia Heinemann.

RECESS TO CLOSED SESSION

MOTION: Darold Treffert moved, seconded by Muriel Harper, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats, for the purpose of deliberation of proposed stipulations, issuing complaints, requesting stay of suspensions, requesting full licensure, requesting to take the USMLE a fourth time, reviewing case status, issuing administrative warnings, granting licenses and consulting with legal counsel. Role call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Sidney Johnson – yes, Thomas Luetzow – yes, Daniel Miota – yes, Clark Olsen – yes, Bhupinder Saini – yes, Darold Treffert, and Muriel Harper – yes and Virginia Heineman – yes. Motion carried unanimously.

Open session recessed at 9:10 a.m.

REQUEST FOR RETROACTIVE REINSTATEMENT OF DEBORAH A. LUETZOW, M.M. MEDICAL LICENSE RENEWAL

MOTION: Bhupinder Saini moved, seconded by Lief Erickson, to approve the retroactive reinstatement of Deborah A. Luetzow, M.D. Thomas Luetzow and Ronald Grossman abstained. Virginia Heinemann – No. Motion carried.

DELIBERATION OF PROPOSED STIPULATIONS

WANDA SHIELD, P.A.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Wanda Shields, P.A. Case Advisor - Virginia Heinemann abstained. Motion carried.

THOMAS STRICK, M.D.

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Thomas J. Strick, M.D. Case advisor - Ronald Grossman abstained. Motion carried.

DELIBERATION OF PROPOSED DECISION – JEFFREY GOTTLIEB, M.D.

MOTION: Clark Olsen moved, seconded by Sidney Johnson, to adopt the proposed Findings of Fact in the matter concerning Jeffrey Gottlieb, M.D. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Sidney Johnson, to adopt the proposed Conclusions of Law in the matter concerning Jeffrey Gottlieb, M.D. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Sidney Johnson, to adopt the proposed Order in the matter concerning Jeffrey Gottlieb, M.D. Motion carried unanimously.

ISSUE COMPLAINT AND CONSIDERATION OF MOTION TO CLOSE HEARING

MOTION: Sidney Johnson moved, seconded by Alfred Franger, that there is probable cause to believe that the licensee in **01 MED 324** is guilty of unprofessional conduct and that a complaint be issued and a hearing held. Motion carried unanimously.

ISSUE COMPLAINT

MOTION: Clark Olsen moved, seconded by Alfred Franger, based on the totality of the circumstances, including the affidavit of the prosecuting attorney indicating that the witnesses identified in the complaint are believed to be truthful and reliable, and including a review of the factual allegations of the complaint itself, which raise reasonable inferences that the information reported by the witnesses was gained by direct personal observation of the events which occurred, and reasonable inferences that the information reported by the witness is reliable because of the specific details described, the board finds that there is probable cause to believe that the licensee in case no. **00 MED 272** is guilty of unprofessional conduct and that a complaint be issued and a hearing be held. Motion carried unanimously.

REQUEST TO TAKE USMLE A FOURTH TIME – SHIRLEY BLANCAS, M.D.

MOTION: Clark Olsen moved, seconded by Sidney Johnson, to approve the request to take the USMLE the 4th time for Shirley Blancas, M.D. Motion carried unanimously.

REQUEST FOR FULL LICENSURE – PETER GOY, M.D.

MOTION: Clark Olsen moved, seconded by Sidney Johnson, to grant an unrestricted licensure to Peter Goy, M.D. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY OF SUSPENSION

RAYMOND KOZIOL, M.D.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to grant a three month stay of suspension to Raymond Koziol, M.D. Motion carried unanimously.

PETER PARK, M.D.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to grant a three month stay of suspension, modifications and deny prescribing privileges to Peter Park, M.D. Motion carried unanimously.

RICHARD HELFFRICH, M.D.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant a three month stay of suspension to Richard Helffrich, M.D. Motion carried unanimously.

KENNETH SPARR, M.D.

MOTION: Clark Olsen moved, seconded by Bhupinder Saini, to grant a three month stay of suspension to Kenneth Sparr, M.D. Motion carried unanimously.

TIMOTHY STAACKE, M.D.

MOTION: Bhupinder Saini moved, seconded by Alfred Franger, to grant a three month stay of suspension to Timothy Staacke, M.D. Motion carried unanimously.

REVIEW OF BOARD ORDER AND THERAPIST – GARY ROCHON, M.D.

The Board will request an appearance by Gary Rochon, M.D. in the future.

COMPLETION OF ORDER FOR FULL LICENSURE – DAVID SWANSON, M.D.

MOTION: Clark Olsen moved, seconded by Virginia Heinemann, to approve the completion of the Board Order for David Swanson, M.D. Motion carried unanimously.

REVIEW OF BOARD ORDER – LANCE YEOMAN, D.O.

The Board took no action at this time.

CASE STATUS REPORT

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to close complaint **02 MED 065** for no violation. Motion carried unanimously.

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to close complaint **02 MED 066**, for insufficient evidence. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint **02 MED 216**, for no violation. Motion carried unanimously.

MOTION: Bhupinder Saini moved, seconded by Clark Olsen, to close complaint **02 MED 227**, for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to close complaint **02 MED 320**, for prosecutorial discretion. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to close complaint **02 MED 088**, for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to close complaint **02 MED 019**, for prosecutorial discretion. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to appeal for an extension for complaint **99 MED 333**. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to close complaint **02 MED 023**, for insufficient evidence. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to close complaint **97 MED 196**, for insufficient evidence. Motion carried unanimously.

ADMINISTRATIVE WARNING – 99 MED 362

MOTION: Clark Olsen moved, seconded by Alfred Franger, to accept an administrative warning for case **99 MED 362**. Motion carried unanimously.

ADMINISTRATIVE WARNING – 02 MED 236

The Board took no action at this time.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin, except Richard Biek and Joe Walton, whose scores are recorded as fail. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to ratify the applicants as licensed to practice as physician's assistants in the State of Wisconsin. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

MOTION: Sidney Johnson moved, seconded by Daniel Miota, that there is probable cause to believe that the licensee in **99 MED 252** is guilty of unprofessional conduct and a complaint be issued and served and a hearing be held. Motion carried unanimously. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:25 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Sidney Johnson moved, seconded by Lief Erickson, to reaffirm all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Miota moved, seconded by Lief Erickson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:26 p.m.